

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

LORRENA MARQUEZ HAMILTON,	§	
JOSE MARQUEZ, JR., AND ERIC	§	
MARQUEZ, INDIVIDUALLY AND ON	§	
BEHALF OF THEIR FATHER, JOSE	§	
MARQUEZ, DECEASED	§	
	§	
V.	§	C.A. No. 4:21-cv-582
	§	
DALLAS TEXAS HEALTHCARE, LLC	§	
AND OASIS HEALTHCARE PARTNERS,	§	
LLC	§	

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that OASIS HEALTHCARE PARTNERS, LLC, Defendant in the above-styled and numbered cause, hereby files this Notice of Removal pursuant to 28 U.S.C. § 1446(a), and in support thereof would show the following:

I.

On March 22, 2021, Plaintiffs filed an Original Petition in Cause No. 141-324204-21 and styled *Lorrena Marquez Hamilton, Jose Marquez, Jr. and Eric Marquez, Individually and on Behalf of their Father, Jose Marquez, Deceased v. Dallas Texas Healthcare, LLC and Oasis Healthcare Partners, LLC*, in the 141st Judicial District Court of Tarrant County, Texas (the “State Court Action”). Plaintiffs sued both Defendants for medical negligence, negligence *per se*, and gross negligence over the alleged breaches of the standard of care regarding the healthcare treatment that Jose Marquez (“Decedent”) received while a resident of Westside Campus of Care. (See Plaintiffs’ Original Petition attached hereto as **Exhibit “A-1”**). Defendant Oasis Healthcare

Partners, LLC was served on March 25, 2021; therefore, Defendant's Notice of Removal is timely.¹

II.

Pursuant to Local Rule 81.1 of the Local Rules of the United States District Court for the Northern District of Texas, attached as **Exhibit "B"** is the Index of Matters Filed, **Exhibit "C"** is the State Court Docket Sheet, and **Exhibit "D"** is the List of Counsel.

III.

This removal is proper and authorized because there is complete diversity of citizenship between the parties, which confers this Court's jurisdiction as provided under 28 U.S.C. § 1441(b) and 28 U.S.C. § 1332(a). Under 28 U.S.C. § 1441, the State Court Action is a civil action of which this Federal District Court has original jurisdiction. Under 28 U.S.C. § 1332, the district courts of the United States have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between the citizens of different states.

Diversity of citizenship between the parties existed on the date of filing of the State Court Action and on the date of removal. Plaintiff According to Plaintiffs' live petition, Plaintiffs Lorrena Marquez Hamilton, Eric Marquez, and Jose Marquez, Jr. are domiciled² in Texas and there is no indication that any of them may qualify for domicile in another state. (*See* Plaintiffs' Original Petition, p. 1). Further, Jose Marquez was domiciled in Texas at the time of his death. (*See* Plaintiffs' Original Petition, p. 3).

¹Co-Defendant Dallas Texas Healthcare LLC was served on March 29, 2021; Dallas Texas Healthcare, LLC consents to this removal to the Northern District of Texas.

² For the purposes of diversity jurisdiction, an individual's state citizenship is synonymous with domicile. *See Classic Americana, LLC v. Adell*, 3:19-CV-01419-S-BN, 2020 WL2735747, at *1 (N.D. Tex. May 26, 2020). Residence is *prima facie* evidence of an individual's domicile, although citizenship also requires a purpose to make the residence home. *See MidCap Media Fin., LLC v. Pathway Data, Inc.*, 929 F.3d 310, 313 (5th Cir. 2019).

Plaintiffs mention Defendant Oasis Healthcare Partners, LLC's residency as being in Delaware and Defendant Dallas Texas Healthcare, LLC's residency as Texas. (*See* Plaintiff's Original Petition, p. 2). However, both Defendants are non-residents of the State of Texas.

For purposes of diversity jurisdiction, "the citizenship of a[n] LLC is determined by the citizenship of all its members." *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1007, 1080 (5th Cir. 2008). Defendant Dallas Texas Healthcare, LLC is a limited liability company whose sole member is Oasis Healthcare Partners, LLC, a Delaware company. The members of Oasis Healthcare Partners, LLC are Solomon Gurwitz, a resident of Los Angeles, California, and Citrus Investments, LLC, a Delaware company. Citrus Investments, LLC is wholly owned by Jeffery Unger, a resident of Los Angeles, California. Accordingly, there is complete diversity between the parties.

The amount in controversy exceeds \$75,000, exclusive of interest and costs. While Plaintiffs do not specify an exact number, according to Plaintiffs' Original Petition, Plaintiffs seek damages "in excess of the minimum jurisdictional limits of the Court." (Plaintiffs' Original Petition, p. 2). Further, Plaintiffs are seeking all damages permitted pursuant to the Texas Wrongful Death Statute and Texas Survival Statute, actual damages, damages for pain and suffering, mental anguish and/or emotional pain, compensatory damages, damages for loss of consortium, companionship, society, enjoyment of life, loss of comfort care and companionship, exemplary damages and punitive damages. As such, it is clear that Plaintiffs are seeking an amount significantly higher than \$75,000.

IV.

This Court is the United States District Court for the judicial district and division embracing the place where the State Court Action is pending. Therefore, venue is proper in the

United States District Court for the Northern District of Texas, Fort Worth Division, pursuant to 28 U.S.C. § 1441(a).

In conjunction with this filing of Notice of Removal in Federal Court, Defendants are serving written Notice of Removal on the Plaintiffs and filing a copy of same with the clerk of the 141st Judicial District Court in Tarrant County, Texas, in accordance with 28 U.S.C. § 1446(d). (See **Exhibit “E”**).

V.

Defendant, OASIS HEALTHCARE PARTNERS, LLC, hereby removes the State Court Action currently pending as Cause No. 141-324204-21 in the 141st Judicial District Court of Tarrant County, Texas, to this Federal District Court and prays that this Court exercise jurisdiction of all claims, and that this case be placed on the docket for all further proceedings.

Respectfully submitted,

HORNE ROTA MOOS, LLP

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the foregoing instrument to be served upon the following counsel of record herein by method indicated on this 22nd day of April, 2021.

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Counsel for Plaintiffs

Via Electronic Service


Chastiti N. Horne